

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**IN RE: NEW ENGLAND
COMPOUNDING PHARMACY, INC.
PRODUCTS LIABILITY LITIGATION**

MDL No. 1:13-md-2419-FDS

This Document Relates To:

All Actions

**RESPONSE OF INTERESTED PLAINTIFFS' COUNSEL
TO PLAINTIFFS' STEERING COMMITTEE'S
MOTION FOR ENTRY OF CASE MANAGEMENT ORDER
ESTABLISHING ASSESSMENT PROCEDURES
TO FUND COMMON BENEFIT ACCOUNTS**

Undersigned counsel respectfully submits this response to the Plaintiffs' Steering Committee's (PSC) motion for entry of a case management order establishing assessment procedures to fund the common benefit account. The PSC has requested a hold-back from every recovery by plaintiffs in MDL No. 2419 and Participating Parties in non-MDL cases in an amount of eight percent.

Undersigned counsel does not object to a preliminary eight percent (8%) hold-back at this time.

The purpose of this filing is to reserve the right to object and/or weigh-in on the final hold-back amount, if it becomes necessary. The eight percent (8%) request may be

fair, or it may not be fair. Ultimately, it will depend upon circumstances and factors currently unknown.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Randall L. Kinnard, hereby certify that I caused a copy of the foregoing to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Date: January 31, 2014

/s/ Randall L. Kinnard
Randall L. Kinnard